

3042. Misbranding of thyroid tablets, phenobarbital tablets, sodium pentobarbital capsules, and Benzedrine Sulfate Tablets. U. S. v. Warren U. Rice (Rice Drug Store). Plea of guilty. Defendant fined \$750 and placed on probation for 1 year. (F. D. C. No. 28114. Sample Nos. 60778-K, 60802-K, 60806-K, 60808-K, 60817-K, 60818-K.)

INFORMATION FILED: January 17, 1950, Eastern District of Illinois, against Warren U. Rice, trading as the Rice Drug Store, Centralia, Ill.

INTERSTATE SHIPMENT: Between November 18, 1947, and June 6, 1949, from the State of Missouri into the State of Illinois, of quantities of *thyroid tablets*, *phenobarbital tablets*, *sodium pentobarbital capsules*, and *Benzedrine Sulfate Tablets*.

ALLEGED VIOLATION: On or about June 2, 6, and 13, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be removed from the bottles in which they had been shipped, to be repacked into envelopes, and to be sold without a prescription; and the defendant caused also a quantity of *phenobarbital tablets* that were contained in the original bottle which was shipped in interstate commerce, to be sold without a prescription, which acts of the defendant resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (b) (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *sodium pentobarbital capsules*, the repackaged *phenobarbital tablets*, and the *phenobarbital tablets* sold in the original bottle, contained derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated by the Administrator of the Federal Bureau of Investigation as, habit forming; and the labels failed to bear the name, and quantity or proportion of the derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *Benzedrine Sulfate Tablets* were not designated solely by a name recognized in an official compendium, and their labels failed to bear the common or usual name of the drug, namely, Benzedrine Sulfate; and, Section 502 (f) (1), the repackaged drugs and the *phenobarbital tablets* sold in the original bottle, bore no labeling containing directions for use.

DISPOSITION: January 31, 1950. A plea of guilty having been entered, the court imposed a fine of \$750 and placed the defendant on probation for 1 year.

3043. Misbranding of nembutal sodium capsules, seconal sodium capsules, and Benzedrine Sulfate Tablets. U. S. v. Charles H. Stagner (East Erwin Drug Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 26749. Sample Nos. 23850-K, 23856-K, 23864-K, 23873-K, 23876-K, 53206-K, 53207-K.)

LIBEL FILED: November 10, 1949, Eastern District of Texas, against Charles H. Stagner, trading and doing business as the East Erwin Drug Co., Tyler, Tex.

INTERSTATE SHIPMENT: The information alleged that the *seconal sodium capsules*, the *Benzedrine Sulfate Tablets*, and a portion of the *nembutal sodium capsules* had been shipped in interstate commerce between the approximate dates of April 12, 1948, and January 17, 1949, from North Chicago, Ill., Indianapolis, Ind., and Philadelphia, Pa., and that the remainder of the *nembutal sodium capsules* had been manufactured at North Chicago, Ill., and shipped in interstate commerce into the State of Texas.

ALLEGED VIOLATION: On or about January 12 and 28, February 11, and March 3 and 10, 1949, and while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs bore no label containing the name or place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules* and *nembutal sodium capsules* were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the repackaged *Benzedrine Sulfate Tablets* bore no label containing the common or usual name of the drug, namely, Benzedrine Sulfate.

DISPOSITION: February 6, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

3044. Misbranding of Benadryl Capsules and Dexedrine Sulfate Tablets. U. S. v. Godt Brothers, William C. Godt, and Henry C. Godt. Pleas of nolo contendere. Defendants placed on probation for 1 year. (F. D. C. No. 26733. Sample Nos. 27038-K, 27317-K.)

INFORMATION FILED: September 6, 1949, Western District of Arkansas, against the Godt Brothers, a partnership, Kansas City, Mo., and William C. Godt and Henry C. Godt, partners.

INTERSTATE SHIPMENT: On or about August 10 and 16, 1948, from the States of Missouri and Pennsylvania into the State of Arkansas.

ALLEGED VIOLATION: On or about August 31 and September 10, 1948, and while the articles were being held for sale after shipment in interstate commerce, the defendants caused quantities of the articles to be repackaged and sold to various persons without a prescription, which acts of the defendants resulted in the repackaged articles being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged articles bore no label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), they failed to bear labeling containing adequate directions for use.

DISPOSITION: September 30, 1949. Pleas of nolo contendere having been entered, the court placed the defendants on probation for 1 year.

3045. Misbranding of Colusa Natural Oil and Colusa Natural Oil Capsules. U. S. v. 21 Bottles, etc. (and 15 other seizure actions). (F. D. C. Nos. 12896, 13126, 13370, 13384, 13406, 13610, 14040, 14731, 14740, 14745, 14791, 14797, 19169. Sample Nos. 61588-F, 61589-F, 61591-F, 61592-F, 72461-F, 72462-F, 73969-F, 73971-F, 77664-F to 77671-F, incl., 78164-F, 78165-F, 79544-F, 79545-F, 79921-F, 87120-F, 87121-F, 89661-F, 89901-F, 89902-F, 92103-F, 92104-F, 92386-F, 92387-F, 56625-H, 56626-H.)

LIBELS FILED: Between July 7, 1944, and February 8, 1946, District of Columbia, Eastern, Middle, and Western Districts of Pennsylvania, Western District of